

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BAILEY BROADBENT, et al.,

Case No. 1:10-cv-943

Plaintiffs,

vs.

Dlott, C.J.
Bowman, M.J.

AMERICAN FOR AFFORDABLE
HEALTHCARE INC., et al.,

Defendants.

REPORT AND RECOMMENDATION

This civil action is now before the Court on Plaintiffs' application to the Clerk for entry of default, and supporting affidavit, against defendants Association for Independent Managers, Inc., Integrated Insurance Marketing, Inc., Louis DeLuca, Real Benefits Association, Tannile Ortiz, and Viking Administrators, Inc. (Docs. 287, 288). Pro se Defendants Gary Bastie, Roberta B. Bastie, Jack M. Winebrenner, L.M. Winebrenner filed objections to Plaintiffs' application. (Doc. 291).

Rule 55 (a) of the Federal Rules of Civil Procedure provides:

(a) *Entering a Default.* When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.

Here, Plaintiffs' affidavit properly indicates that the named defendants have failed to plead or otherwise defend in this matter, as required by Rule 55(a). (Doc. 288). The *pro se* Defendants objections relate to the merits of Plaintiffs' claims against them, and are therefore irrelevant to the instant application for entry of default. Accordingly, Defendants' objections should be overruled.

For the foregoing reasons, the undersigned finds that Plaintiffs' application to the Clerk for entry of default against defendants Association for Independent Managers, Inc., Integrated Insurance Marketing, Inc., Louis DeLuca, Real Benefits Association, Tannile Ortiz, and Viking Administrators, Inc. (Doc. 287) is well-taken. It is therefore **RECOMMENDED** that the Clerk enter default as to those defendants.

s/Stephanie Bowman

Stephanie K. Bowman

United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report and Recommendation (“R&R”) within **FOURTEEN (14) DAYS** of the filing date of this R&R. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **FOURTEEN (14) DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).